

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER REGARDING DRIVER LICENSE RESTORATION APPEAL For Arrests After 10/1/99</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Petitioner name, address, and telephone no.	
Driver license no.	Date of birth
Petitioner's attorney, bar no., address, and telephone no.	

v

Respondent <b>SECRETARY OF STATE OF THE STATE OF MICHIGAN Driver License Appeal Division PO Box 30196 Lansing, Michigan 48909-7696</b>
Respondent's attorney, bar no., address, and telephone no.

For arrests from 1/1/92 through 9/30/99 use Form CC 269, Order Regarding Driver License Restoration Appeal for Arrests 1/1/92 through 9/30/99  
**Complete either Section A or Section B, but not both.**

Date of hearing: \_\_\_\_\_ Judge: \_\_\_\_\_ Bar no. \_\_\_\_\_

<b>A. RESTRICTED OR FULL RELIEF</b>
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1. On \_\_\_\_\_ petitioner filed a petition seeking review of the \_\_\_\_\_  
for: Date \_\_\_\_\_ Date \_\_\_\_\_
- ☐ a. application denial for medical reasons. [MCL 257.303(1)(g)]  
☐ b. driver assessment suspension, restriction (**not a revocation**). [MCL 257.310d, MCL 257.320]  
☐ c. first implied consent suspension. [MCL 257.625f]  
☐ d. mandatory additional suspension for driving while license suspended (**not a revocation**). [MCL 257.904(10) or (11)]

**IT IS ORDERED:**

- ☐ 2. The Secretary of State shall restore to petitioner an operator's license with full privileges.
- ☐ 3. The Secretary of State shall issue restricted driving privilege as follows:
- a. Petitioner may drive to and from residence and place of employment and in the course of employment, to substance abuse treatment program and/or support group meetings, to regularly scheduled treatment for serious medical condition, to court probation office and community service and educational institution. **The petitioner must carry proof of destination and hours.**
- b. If there is any evidence of drinking in the use of a motor vehicle, or if there is a violation of this order during the period that this order is in effect, police shall confiscate the operator's license and return it to the court. A hearing will be held if requested by the petitioner within 14 days from the date the license is confiscated.
- c. Provided the petitioner abides by the conditions of this order, the restricted driver license shall terminate on \_\_\_\_\_ **AND**
- ☐ on that date the petitioner shall appear before the court for further examination and review. **OR**  
☐ the court relinquishes jurisdiction to the Secretary of State. **OR**  
☐ on that date the Secretary of State shall restore full driving privileges.
- ☐ 4. The petitioner's appeal for licensing privilege is denied.
5. Any relief granted in this order is effective only for an action listed in item 1. above.
- ☐ 6. Other: \_\_\_\_\_

**(see other side for order on review of the record)**

## B. REVIEW OF THE RECORD

1. Petitioner filed a petition seeking review of a licensing suspension/revocation/restriction/denial not listed in item A.1. on the front of this order.

License Action \_\_\_\_\_

Date \_\_\_\_\_

### IT IS ORDERED:

- ☐ 2. **Second Implied Consent:** After a review of the record created under MCL 257.322 in the matter of a second implied consent appeal:
- ☐ a. the hearing officer properly determined the issues listed in MCL 257.625f for a second implied consent suspension in accordance with MCL 257.323(4). The hearing officer's decision is upheld by a preponderance of the evidence and the petition is denied. **OR**
  - ☐ b. the hearing officer did not properly determine the issues listed in MCL 257.625f for a second implied consent suspension for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
The hearing officer's decision is set aside and the suspension and points shall be removed from the driving record. This order is without effect if no review of the appellate record prepared under MCL 257.322 has been conducted as required by MCL 257.323(4).

- ☐ 3. **Administrative Revocation/Denial:** After a review of the record created under MCL 257.322 in the matter of a determination resulting in a denial or revocation authorized under MCL 257.303(1)(d), (e), or (f) or MCL 257.303(2)(c), (d), (e), or (f):
- ☐ a. the hearing officer's decision is upheld by competent, material, and substantial evidence on the whole record in accordance with MCL 257.323(4) and the petition is denied. **OR**
  - ☐ b. the hearing officer's decision is set aside and the petition is granted because the petitioner's substantial rights have been prejudiced by the determination, which is:
    - ☐ in violation of the constitution of the United States, the State constitution of 1963, or a statute.
    - ☐ in excess of the Secretary of State's statutory authority or jurisdiction.
    - ☐ made upon unlawful procedure resulting in material prejudice to the petitioner.
    - ☐ not supported by competent, material, and substantial evidence on the whole record.
    - ☐ arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.
    - ☐ affected by other substantial and material error of law.

This conclusion is based upon the fact that \_\_\_\_\_

\_\_\_\_\_  
The decision shall be set aside and full licensing privileges shall be reinstated subject to the payment of a reinstatement fee and compliance with renewal procedures.

- ☐ c. the court remands the matter to the Driver License Appeal Division for \_\_\_\_\_

\_\_\_\_\_  
This order is without effect if no review of the appellate record prepared under MCL 257.322 has been conducted as required by MCL 257.323(4).

- ☐ 4. **In All Other Cases:**
- ☐ a. After a review of the driving record created under MCL 257.204a, it is found the action was legally imposed pursuant to law.
  - ☐ b. The action was imposed in violation of law and is set aside.

## C. SERVICE

This order shall be void and without effect if a true copy of this order is not served on the Secretary of State, Driver License Appeal Division, PO Box 30196, Lansing, Michigan 48909-7696 within 7 days of the date this order is signed.

Date \_\_\_\_\_

Judge \_\_\_\_\_

Approved as to form: \_\_\_\_\_

Assistant attorney general/Assistant prosecuting attorney